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U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 10, 2006

BY HAND

MEMO ENDORSED

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 920
New York, New York 10007

Re: United States v. Alberto William Vilar and Gary Alan Tanaka,
S2 05 Cr. 621 (KMK)

Dear Judge Karas:

In light of Your Honor's questions and apparent concerns regarding the instructions provided to the U.S. Postal Inspectors who conducted the search of the Amerindo U.S. office, the Inspectors' interpretation of the search warrant, and the manner in which the search was executed, the Government respectfully requests that it be provided with an opportunity to introduce additional witness testimony to address Your Honor's questions and to more fully develop the record concerning the U.S. search. The Government would anticipate calling as witnesses between one and four of the U.S. Postal Inspectors who conducted the search.

Respectfully submitted,

MICHAEL J. GARCIA
UNITED STATES ATTORNEY

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cc: Glenn C. Colton, Esq. (By facsimile)
Steven G. Kobre, Esq. (By facsimile)
Jeffrey C. Hoffman, Esq. (By facsimile)

The Defendants are directed to respond to this letter by March 15, 2006.

SO ORDERED

KENNETH M. KARAS U.S.D.J.

3/10/06